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## Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

## SAN FRANCISCO/OAKLAND DIVISION

**ALAMEDA COUNTY MALE PRISONERS  
And Former Prisoners, DANIEL GONZALEZ,  
et al. on behalf of themselves and others similarly  
situated, as a Class, and Subclass**

**PLAINTIFFS,**

VS.

**ALAMEDA COUNTY SHERIFF'S  
OFFICE, et al**

## **DEFENDANTS.**

No. 3:19-cv-07423 JSC

**PLAINTIFFS' OPPOSITION TO  
DEFENDANT ARAMARK'S  
REQUEST FOR ENTRY OF  
DEFAULT, DEFENDANT  
COUNTY'S REPLY (Dkt. 59)**

I, YOLANDA HUANG, declare:

1. The calculation of the response date was based solely upon the ECF notices. The ECF notice for Defendants Alameda County Sheriff's Office, Gregory J. Ahern, Thomas Madigan, Captain Hesselein, Deputy Ignont, Deputy Joe, Captain Luckett-Fahimi, and the County of Alameda(hereinafter "County") a copy of which is attached as Exhibit A states that the response/opposition is due October 8, 2020. The ECF notice for Defendant Aramark had the

1 correct date listed, September 8, 2020, but staff misread it and in tandem with the date of October  
2 8, 2020 in the notice from Defendant County (Exhibit A), calendared the response to be due  
3 today, October 5, 2020. Attached as Exhibit B is a true and correct copy of the ECF notice.

4 2. Plaintiffs had prepared and have filed an opposition to defendant Aramark and to  
5 Defendant County's Motion to Dismiss with regard to jail food. (ECF. 60)

6 3. Plaintiffs are in preparation and plan to file an opposition to the remainder of Defendant  
7 County's Motion to dismiss on October 8, 2020, per the ECF notice.

8 4. Plaintiffs request leave of the court to file the remainder of opposition/response to  
9 defendant County's remaining issues for dismiss on October 8, 2020.

10 I make this declaration under penalty perjury under the laws of the State of California,  
11 executed this 5<sup>th</sup> day of October, 2020 in Berkeley, California.

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13 /s/ Yolanda Huang  
14 Yolanda Huang  
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## EXHIBIT A



Yolanda Huang &lt;yhuang.law@gmail.com&gt;

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## Activity in Case 3:19-cv-07423-JSC Gonzalez et al v. Ahern et al Motion to Dismiss

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ECF-CAND@cand.uscourts.gov <ECF-CAND@cand.uscourts.gov>  
To: efiling@cand.uscourts.gov

Mon, Sep 14, 2020 at 4:19 PM

**This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.**

\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\* Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

California Northern District

### Notice of Electronic Filing

The following transaction was entered by Belaga, Jonathan on 9/14/2020 at 4:19 PM and filed on 9/14/2020

**Case Name:** Gonzalez et al v. Ahern et al  
**Case Number:** 3:19-cv-07423-JSC  
**Filer:** Gregory J. Ahern  
 Alameda County Sheriff's Office  
 County of Alameda  
 Deputy Ignont  
 Deputy Joe  
 Derrick C. Hesselein  
 Thomas F. Madigan

**Document Number:** 52

**Docket Text:**

**First MOTION to Dismiss PLAINTIFFS SECOND AMENDED COMPLAINT FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED; MEMORANDUM OF POINTS AND AUTHORITIES** filed by Gregory J. Ahern, Alameda County Sheriff's Office, County of Alameda, Deputy Ignont, Deputy Joe, Derrick C. Hesselein, Thomas F. Madigan. Motion Hearing set for 10/22/2020 09:00 AM in San Francisco, Courtroom E, 15th Floor before Magistrate Judge Jacqueline Scott Corley. Responses due by 10/8/2020. Replies due by 10/15/2020. (Attachments: # (1) poposed order, # (2) cert, of service)(Belaga, Jonathan) (Filed on 9/14/2020)

**3:19-cv-07423-JSC Notice has been electronically mailed to:**

Dennis Cunningham &nbsp &nbsp denniscunningham@juno.com, gordonk@hotmail.com, josh@fireflyjournal.com

Jonathan Jeremy Belaga &nbsp &nbsp jbelaga@skanewilcox.com, jbelaga@belagalaw.com, tle@skanewilcox.com, WWILCOX@SKANEWILCOX.COM

Lynn L. Krieger &nbsp &nbsp lynn.krieger@lewisbrisbois.com, mariane.wenger@lewisbrisbois.com

Yolanda Huang &nbsp &nbsp yhuang.law@gmail.com

**3:19-cv-07423-JSC Please see Local Rule 5-5; Notice has NOT been electronically mailed to:**

The following document(s) are associated with this transaction:

**Document description:** Main Document

**Original filename:** C:\fakepath\161-1004 Motion to Dismiss Plaintiffs' Second Amended Complaint 091420.pdf

**Electronic document Stamp:**

[STAMP CANDStamp\_ID=977336130 [Date=9/14/2020] [FileNumber=17329683-0]  
[94a13629686392a661b5f0d517c2be76dfbd3fc3c7a87b64c13117e6dfd3a0757330  
d644b1833bdc5fa65bdb17f68f0375401cc947f33165a33f973395c4c1]]

**Document description:** proposed order

**Original filename:** C:\fakepath\161-1004 Proposed Order Granting MTD SAC 091420.pdf

**Electronic document Stamp:**

[STAMP CANDStamp\_ID=977336130 [Date=9/14/2020] [FileNumber=17329683-1]  
[988864a5265e2d310bd1069ee58e72a89bd9dbe49723a2a4dc863e3ad3ba64987ce2  
4279af91465851f638056d1dc68ac3c18ed604149d962f14430fe6239210]]

**Document description:** cert. of service

**Original filename:** C:\fakepath\161-1004 pos-mot2dismiss 091420.pdf

**Electronic document Stamp:**

[STAMP CANDStamp\_ID=977336130 [Date=9/14/2020] [FileNumber=17329683-2]  
[53d2afeeb7e38851107e84215182473d156bcc220ac1344119bc35657193efa9bfaa  
0dc9bad74339a80a685ddc98d8586e2eb351d28e0eca96d0cb18728a3e35]]

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## EXHIBIT B



Yolanda Huang &lt;yhuang.law@gmail.com&gt;

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## Activity in Case 3:19-cv-07423-JSC Gonzalez et al v. Ahern et al Motion to Dismiss

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ECF-CAND@cand.uscourts.gov <ECF-CAND@cand.uscourts.gov>  
 To: efiling@cand.uscourts.gov

Mon, Sep 14, 2020 at 1:58 PM

**This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.**

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U.S. District Court

California Northern District

### Notice of Electronic Filing

The following transaction was entered by Krieger, Lynn on 9/14/2020 at 1:58 PM and filed on 9/14/2020

**Case Name:** Gonzalez et al v. Ahern et al  
**Case Number:** 3:19-cv-07423-JSC  
**Filer:** Aramark Correctional Services, LLC  
**Document Number:** 51

**Docket Text:**

**MOTION to Dismiss Plaintiffs Second Amended Complaint filed by Aramark Correctional Services, LLC. Motion Hearing set for 10/22/2020 09:00 AM in San Francisco, Courtroom E, 15th Floor before Magistrate Judge Jacqueline Scott Corley. Responses due by 9/28/2020. Replies due by 10/5/2020. (Attachments: # (1) Proposed Order)(Krieger, Lynn) (Filed on 9/14/2020)**

**3:19-cv-07423-JSC Notice has been electronically mailed to:**

Dennis Cunningham    denniscunningham@juno.com, gordonk@hotmail.com, josh@fireflyjournal.com

Jonathan Jeremy Belaga    jbelaga@skanewilcox.com, jbelaga@belagalaw.com, tle@skanewilcox.com, WWILCOX@SKANEWILCOX.COM

Lynn L. Krieger    lynn.krieger@lewisbrisbois.com, mariane.wenger@lewisbrisbois.com

Peter G. Bertling    peter@bertlinglawgroup.com, cyndi@bertlinglawgroup.com, jemma@bertlinglawgroup.com, stephanie@bertlinglawgroup.com

Yolanda Huang    yhuang.law@gmail.com

**3:19-cv-07423-JSC Please see Local Rule 5-5; Notice has NOT been electronically mailed to:**

The following document(s) are associated with this transaction:

**Document description:** Main Document

**Original filename:** C:\fakepath\Gonzalez - Motion to Dismiss the Second Amended Complaint (F2).pdf

**Electronic document Stamp:**

[STAMP CANDStamp\_ID=977336130 [Date=9/14/2020] [FileNumber=17328701-0]  
[aab7f7a1a1e7f215beac21a6f4f84b16879d923f007f4ad69851dd100ab5be4e079f  
01ec7cbe7c7182d1eea95dda280ee22b58d1e546ae608b4803409de0eb8b]]

**Document description:**Proposed Order

**Original filename:**C:\fakepath\Gonzalez - ARAMARK MOTION TO DISMISS PLAINTIFFS SECOND AMENDED COMPLAINT - PROPOSED ORDER.pdf

**Electronic document Stamp:**

[STAMP CANDStamp\_ID=977336130 [Date=9/14/2020] [FileNumber=17328701-1]  
[89ad9f26b283d647da26a20129f071112e9a84fda07a355a2707c35536ac69722152  
d280e6adc4f025e4ccd01e5ae5f0b8807703cfb482dba4cad31c8ea26533]]